



LEONIDAS RALPH MECHAM
Director

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

CLARENCE A. LEE, JR.
Associate Director

WASHINGTON, D.C. 20544

March 24, 2006

**MEMORANDUM TO: JUDGES, UNITED STATES COURTS
CIRCUIT EXECUTIVES
DISTRICT COURT EXECUTIVES
CLERKS, UNITED STATES COURTS**

SUBJECT: Changes to Filing Fees (IMPORTANT INFORMATION)

I am writing to inform you of the enactment of the Deficit Reduction Act of 2005 (Pub. L. No. 109-171) which includes provisions that affect the filing fees for the appellate, district and bankruptcy courts. **The President signed this legislation into law on February 8, 2006, and these fee increases will take effect for all new cases filed on or after April 9, 2006.**

The changes to the fees are as follows:

Court of Appeals:

- the fee for filing an appeal under Item 1 of the Court of Appeals Miscellaneous Fee Schedule will increase to \$450.

District Courts:

- the fee for filing a civil action under 28 U.S.C. §1914(a) will increase to \$350.

Bankruptcy Courts:¹

- the statutory fee for filing a Chapter 7 bankruptcy case under 28 U.S.C. §1930(a)(1)(A) will increase to \$245.
- the statutory fee for filing a Chapter 13 bankruptcy case 28 U.S.C. §1930(a)(1)(B) will increase to \$235.

The incremental increase will be deposited into a new fund symbol - 086400. The accounting charts detailing distribution and account numbers and procedures for adding the new fund symbol to FAS₄T and the CCAM Cash Register will be forthcoming under separate cover. Attachment 1 provides the revised Court of Appeals Miscellaneous Fee Schedule. Additional detailed information regarding the bankruptcy statutory and miscellaneous fees is included as Attachment 2.

¹ The fee changes included in the Deficit Reduction Act have impacted many bankruptcy fees. Detailed information regarding the bankruptcy statutory and miscellaneous fees is included as Attachment 2.

Finally, while some of you may be aware that there have been some constitutional issues raised with respect to the Act because the House and the Senate passed slightly different versions of the bill,² absent further action, the statutory fee increases mandated by the Act will go into effect on April 9.

Questions regarding this memorandum should be addressed to Mary Louise Mitterhoff or Mary Fritsche at 202-502-1540. Questions regarding accounting issues relating to the new fees should be addressed to the Accounting and Financial Systems Division Policy Staff at (202) 502-2200.

A handwritten signature in black ink, appearing to read "Leonidas Ralph Mecham". The signature is fluid and cursive, with the first name "Leonidas" being more prominent.

Leonidas Ralph Mecham

Attachments

cc: Financial Administrators

² There has been a case filed in the District Court for the Southern District of Alabama and the District of Columbia, challenging the constitutionality of the Act on these grounds.

Effective: 04/09/2006

Court of Appeals Miscellaneous Fee Schedule
(Issued in accordance with 28 U.S.C. §1913)

Following are fees to be charged for services provided by the courts of appeals. No fees are to be charged for services rendered on behalf of the United States, with the exception of those specifically prescribed in items 2, 4 and 5. No fees under this schedule shall be charged to federal agencies or programs which are funded from judiciary appropriations, including, but not limited to, agencies, organizations, and individuals providing services authorized by the Criminal Justice Act, 18 U.S.C. § 3006A, and Bankruptcy Administrator programs.

- (1) For docketing a case on appeal or review, or docketing any other proceeding, \$450. A separate fee shall be paid by each party filing a notice of appeal in the district court, but parties filing a joint notice of appeal in the district court are required to pay only one fee. A docketing fee shall not be charged for the docketing of an application for the allowance of an interlocutory appeal under 28 U.S.C. § 1292(b), unless the appeal is allowed.
- (2) For every search of the records of the court and certifying the results thereof, \$26. This fee shall apply to services rendered on behalf of the United States if the information requested is available through electronic access.
- (3) For certifying any document or paper, whether the certification is made directly on the document, or by separate instrument, \$9.
- (4) For reproducing any record or paper, 50 cents per page. This fee shall apply to paper copies made from either: (1) original documents; or (2) microfiche or microfilm reproductions of the original records. This fee shall apply to services rendered on behalf of the United States if the record or paper requested is available through electronic access.
- (5) For reproduction of recordings of proceedings, regardless of the medium, \$26, including the cost of materials. This fee shall apply to services rendered on behalf of the United States if the reproduction of the recording is available electronically.
- (6) For reproduction of the record in any appeal in which the requirement of an appendix is dispensed with by any court of appeals pursuant to Rule 30(f), F.R.A.P., a flat fee of \$71.
- (7) For each microfiche or microfilm copy of any court record, where available, \$5.
- (8) For retrieval of a record from a Federal Records Center, National Archives, or other storage location removed from the place of business of the court, \$45.

- (9) For a check paid into the court which is returned for lack of funds, \$45.
- (10) Fees to be charged and collected for copies of opinions shall be fixed, from time to time, by each court, commensurate with the cost of printing.
- (11) The court may charge and collect fees commensurate with the cost of providing copies of the local rules of court. The court may also distribute copies of the local rules without charge.
- (12) The clerk shall assess a charge for the handling of registry funds deposited with the court, to be assessed from interest earnings and in accordance with the detailed fee schedule issued by the Director of the Administrative Office of the United States Courts.
- (13) Upon the filing of any separate or joint notice of appeal or application for appeal from the Bankruptcy Appellate Panel, or notice of the allowance of an appeal from the Bankruptcy Appellate Panel, or of a writ of certiorari, \$5 shall be paid by the appellant or petitioner.
- (14) The court may charge and collect a fee of \$200 per remote location for counsel's requested use of videoconferencing equipment in connection with each oral argument.
- (15) For original admission of attorneys to practice, \$150 each, including a certificate of admission. For a duplicate certificate of admission or certificate of good standing, \$15.

Fee Issues in Bankruptcy Courts

Below is a discussion of those fees in bankruptcy courts that are impacted by the changes included in the Deficit Reduction Act. Fees that are not affected by the changes in the Act will remain at the current level.

Chapter 7 Filing Fee

Effective April 9, 2006, the total fee due at filing for a chapter 7 case will be \$299; this amount includes the statutory filing fee of \$245, the \$39 administrative fee and the \$15 case trustee fee. This fee will apply to all new cases filed on or after April 9, 2006.

Chapter 13 Filing Fee

Effective April 9, 2006, the total fee due at filing for a chapter 13 case will be \$274; this amount includes the statutory filing fee of \$235 and the \$39 administrative fee. This fee will apply to all new cases filed on or after April 9, 2006.

Chapter 11 Filing Fee

The Chapter 11 filing fee will not change from its current amount of \$1,000. It appears that Congress intended to increase chapter 11 filing fees from \$1,000 to \$2,750. However, there is a drafting error in the language of the Deficit Reduction Act which references the incorrect statutory subsection. Thus, the chapter 11 fee, at this time, is unaltered. We will keep you apprised of Congress's actions to address this drafting error.

Fee for Converting to a Chapter 11

The increases to the chapter 7 and chapter 13 fees mandated by the Deficit Reduction Act will impact the fee to convert a chapter 7 or chapter 13 case to a chapter 11 case, as prescribed by 28 U.S.C. § 1930 (a). Therefore, as of April 9, 2006:

- the fee for converting a chapter 7 case to a chapter 11 will be \$755 - the difference between the filing fee for a chapter 11 (\$1000) and the statutory fee for filing a chapter 7 case (\$245),
- The fee for converting a chapter 13 case to a chapter 11 case will be \$765 (the difference between the statutory filing fee for a chapter 11 case (\$1,000) and the statutory fee for filing a chapter 13 case (\$235).

Miscellaneous Fees

The changes to the fees for appellate, district, and bankruptcy courts also impact certain fees in the Bankruptcy Court Miscellaneous Fee Schedule. Several of the miscellaneous fees are linked to statutory filing fees, and thus, would change when the statutory fee changes. However, the Judicial Conference, at its March 2006 session, approved a recommendation from the Court Administration and Case Management Committee, in connection with the Bankruptcy Committee, to stay all increases in miscellaneous fees until these committees have had an opportunity to review the increases at their June meetings.

Following is a list of fees that are linked to the filing fees increased by the Deficit Reduction Act:

Item 6: The adversary filing fee is linked to the district court civil action filing fee. On April 9, the civil action filing fee will increase to \$350. However, the fee for filing an adversary proceeding in a bankruptcy case will remain \$250.

Item 11: The fee for reopening a case is the same as the statutory filing fee for the chapter under which the case was originally commenced. After April 9, 2006, the fee for reopening a case will remain the same as the amount of the statutory filing fee for the appropriate chapter prior to April 9. Therefore, even after April 9,

- the fee charged for reopening a chapter 7 case will remain \$220;
- the fee for reopening a chapter 11 case will remain \$1,000; and
- the fee for reopening a chapter 13 case will remain \$150.

Item 15: The fee for docketing an appeal is linked to the fee for filing an appeal in the Court of Appeals. Although the fee for filing an appeal in the Court of Appeals is increasing to \$450, the fee for docketing an appeal in the bankruptcy courts will remain \$250. In addition, **Item 21**, the fee for docketing a cross appeal, is also linked to the fee for filing an appeal in the Court of Appeals, and will likewise remain \$250.

Item 19: The fee for splitting a joint case is linked to the current filing fee for the chapter under which the case was originally commenced. However, due to the Judicial Conference action, the fee for splitting a case will not change. Therefore, even after April 9, 2006, the fee for splitting cases will remain as follows:

- the fee charged for splitting a chapter 7 case will remain \$220,
- the fee for splitting a chapter 11 case will remain \$1,000, and
- the fee for splitting a chapter 13 case will remain \$150.

Item 16: The fee for filing a chapter 15 proceeding is linked to the fee for filing a chapter 11. In the event that Congress acts to correct the drafting error discussed above, the fee for filing a Chapter 11 case will increase. However, due to the Judicial Conference action, the total fee for collected at the time of filing a chapter 15 will remain \$1,039, which includes the \$1,000 statutory fee for filing a chapter 11 case, and the \$39 administrative fee.